

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CIVIL ACTION FILE NO. 5:18-cv-66-DSC

SHERILYNN DEAN TYNDALL,                     )  
                    Plaintiff,                     )  
   )  
                    vs.                             )  
   )  
NANCY A. BERRYHILL,                     )  
Acting Commissioner,                     )  
Social Security Administration,                     )  
                    Defendant.                     )

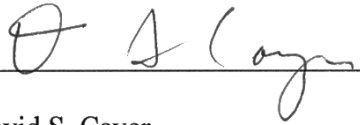
ORDER

THIS MATTER HAVING COME BEFORE THE COURT on Plaintiff's Motion for Attorney's Fees under 28 U.S.C.A. § 2412, the Equal Access to Justice Act (EAJA), and with consent of the parties, the Court orders as follows:

1. That the Social Security Administration shall pay \$5,500.00 in attorney's fees to the Plaintiff in full settlement and satisfaction of any and all claims for attorney fees for legal services rendered under the EAJA, 28 U.S.C. § 2412(d).
2. With respect to Plaintiff's signed assignment of EAJA fees to her attorney, in accordance with *Astrue v. Ratliff*, 560 U.S. 586, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the Commissioner will determine whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first and, if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff's counsel. If the Department of the Treasury reports to the Commissioner that the Plaintiff does not owe a federal debt, the Government will exercise its discretion and honor the assignment of EAJA fees, and pay the awarded fees directly to Plaintiff's counsel.

**SO ORDERED.**

Signed: February 22, 2019

A handwritten signature in cursive script, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer  
United States Magistrate Judge

